



4. This Notice of Removal has been filed with this Court within thirty (30) days of the receipt by Defendants of Plaintiff's Summons and Complaint as required by 28 U.S.C. § 1446(b).

5. The basis for removal to federal court is federal question jurisdiction pursuant to 28 U.S.C. § 1331.

6. The basis for removal to federal court is federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States.

7. In accordance with 28 U.S.C. § 1446(d), Defendants have contemporaneously filed a copy of this Notice of Removal with the Clerk of Court for the Court of Common Pleas for Charleston County, South Carolina.

8. In accordance with 28 U.S.C. § 1446(d), Defendants have given written notice to the Plaintiff by contemporaneously serving this Notice of Removal on counsel for the Plaintiff.

9. As required by 28 U.S.C. § 1441, Defendants seek to remove this case to the United States District Court for the District of South Carolina, Charleston Division, which is the District Court and Division embracing the place where the State Court Action has been filed.

### **VENUE**

10. Venue properly lies in this district and division pursuant to 28 U.S.C. § 1441(a), because Plaintiff's State Court Action was originally filed in Charleston County, South Carolina, a county within the Charleston Division of the United States District Court for the District of South Carolina. 28 U.S.C. § 121(3).

### **FEDERAL QUESTION JURISDICTION**

11. Plaintiff's Complaint includes a cause of action for violations of the Fair Labor Standards Act pursuant to 29 U.S.C. 216(e) *et seq.* See Exhibit A, Plaintiff's Complaint, ¶¶ 55-61.

12. 29 U.S.C. 216(e) *et seq.* contains federal laws under the United States Code.

13. Therefore, federal courts are vested with original jurisdiction over this cause of action. 28 U.S.C. § 1331.

### **SUPPLEMENTAL JURISDICTION**

14. Pursuant to 28 U.S.C. § 1367, the federal court is vested with authority to retain supplemental jurisdiction over Plaintiff's remaining claims.

15. In addition to claims arising under Federal law, Plaintiff's Complaint includes causes of action for Wrongful Termination in Violation of a Clear Mandate of Public Policy, Breach of Contract / Breach of Duty of Good Faith and Fair Dealing, and Wrongful Retention of Wages. See Exhibit A, Plaintiff's Complaint, ¶¶ 35-54, 62-69.

16. These claims are based upon the same facts as the claims arising under federal law and form part of the same case or controversy such that supplemental jurisdiction is appropriate.

**WHEREFORE**, Defendants respectfully requests that the above-captioned action now pending in the Court of Common Pleas for Charleston County, South Carolina be removed to the United States District Court for the District of South Carolina, and this Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the removal and promote the ends of justice.

WOMBLE CARLYLE SANDRIDGE & RICE

s/David B. McCormack

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August 15, 2017